

Notice of Allowability

Application No.

10/519,563

Examiner

Bernarr E. Gregory

Applicant(s)

MENDE, RALPH

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment of 27 October 2007.
2. ☒ The allowed claim(s) is/are 12-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

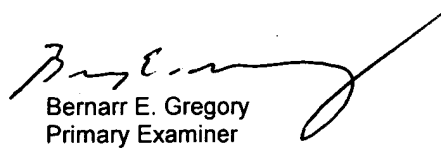
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Bernarr E. Gregory
Primary Examiner
Art Unit 3662

1. The following changes to the drawings have been approved by the examiner:

The drawings must be labelled in some manner to illustrate the claimed "control means" of independent claims 18 and 22 in order to comply with 37 CFR §1.83(a). A labelled box would be adequate. The Examiner attempted to contact Applicant's attorney, Mr. Michael E. Whitham on the morning of 03 January 2008 to inform him of this correction, but he was not available. The Examiner left a detailed message on the voicemail for Mr. Whitham's office explaining the change needed and explaining that it would be set forth in this communication with the Notice of Allowability. Correction is hereby **required** within the period for response to this Office Action.

2. In order to avoid abandonment of the application, applicant must make these drawing changes.

3. The following is an examiner's statement of reasons for allowance:

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicant's claimed apparatus as set forth in independent claim 12 that is particularly characterized at least by the claimed "receiving antenna array ..." as described on lines 6-12 of independent claim 12 taken in the overall context of independent claim 12.

Dependent claims 13-17 are allowable for at least the reasons for which independent claim 12 is allowable.

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicant's claimed apparatus as set forth in independent claim 18 that is particularly characterized at

least by the claimed "receiving antenna array ..." as described on lines 8-11 of independent claim 18 and the claimed "control means ..." as described on lines 12-17 of independent claim 18 taken together and taken in the overall context of independent claim 18.

Dependent claims 19-21 and 25 are allowable for at least the reasons for which independent claim 18 is allowable.

None of the prior art of record either taken alone or taken in any possible combination would anticipate or would tend to render obvious Applicant's claimed apparatus as set forth in independent claim 22 that is particularly characterized at least by the claimed "receiving antenna array ..." as described on lines 12-15 and 22-24 of independent claim 22 and the claimed "control means ..." as described on lines 16-21 of independent claim 22 taken together and taken in the overall context of independent claim 22.


Dependent claims 23-24 are allowable for at least the reasons for which independent claim 22 is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bernarr E. Gregory
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Art Unit 3662